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The Independent Chief Inspector of Borders and Immigration in the Administrative Justice and Accountability Ecosystem

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This article focuses on the role of the Independent Chief Inspector of Borders and Immigration (ICIBI) within the broader administrative justice and accountability ecosystem of the UK. It identifies the ICIBI as a unique, permanent body dedicated to scrutinising the operational efficiency and effectiveness of the Home Office's immigration and asylum functions. It has a particular role in examining aspects of “internal administrative law” which are ordinarily invisible to judicial review. Using various network analyses and a conceptual framework of accountability actors responsible for “setting it right”, this article demonstrates that the ICIBI and the Home Affairs Select Committee act as significant “amplifiers” within this ecosystem by frequently citing and promoting the findings of other accountability bodies. The analysis highlights the influence exerted by the ICIBI as the most frequently cited body in House of Commons immigration and asylum debates, as well as the key amplifier role undertaken by members of the Home Affairs Select Committee within Commons debates. The research also evidences that the ICIBI has made sustained efforts to amplify the learnings from the Windrush Lessons Learned Review, suggesting that the ICIBI should be regarded as a key stakeholder for the new Windrush Commissioner. This article therefore traces the complex ways in which bodies within the administrative justice and accountability ecosystem interact in order to achieve more effective outcomes.

Introduction

When it comes to managing the UK's borders, the Home Office appears to be perpetually “not fit for purpose”.¹ In the wake of the 2006 episode in which some foreign national offenders

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were released without being considered for deportation,² the Independent Chief Inspector of Borders and Immigration (ICIBI) was established by the UK Borders Act 2007 to monitor and report on the efficiency and effectiveness of the Home Office in its performance of its functions in relation to immigration, asylum, customs, and nationality. The ICIBI is unique as a *permanent* accountability forum *solely* dedicated to the scrutiny of the *operational* (rather than policy) activities of the Home Office's immigration and asylum functions.

Despite its unique role in administrative justice and ensuring executive scrutiny, the ICIBI is an under-researched institution. ICIBI reports are referenced frequently as a source of information and critique on Home Office actions, policies, and on the state of the UK's immigration and asylum system, but the ICIBI has never been the subject of sustained academic enquiry itself.³ A range of administrative justice actors have been under-researched⁴ and the ICIBI is potentially victim to some of the 'inattentional blindness' of administrative law scholarship.⁵ This article addresses this gap by shining a light on this important administrative justice institution, focussing on its effectiveness, operational techniques and interaction with partner accountability bodies. This article describes the ICIBI and the ICIBI's concern with the operation of the "internal administrative law"⁶ which controls many of the Home Office's day-to-day activities and is thereby pervasive within the administration of immigration, asylum, customs, and nationality, yet is frequently invisible to judicial control.

Viewed as an accountability body in isolation, the ICIBI is subject to significant limitations which hinder its effectiveness. These limitations include the control that the SSHD has over the appointment and continuation of the Chief Inspector and its budget and resources, and the SSHD's power to unilaterally delay the publication of ICIBI reports to minimise their

¹ H. Mulholland and M. Tempest, "System "not fit for purpose", says Reid", *The Guardian*, 23 May 2006; D. Barrett, "Shabana Mahmood warns the Home Office isn't fully fit for purpose and pledges to "fight" her own department", *Daily Mail*, 30 September 2025.

² Hindpal Singh Bhui, "Alien Experience: Foreign National Prisoners After the Deportation Crisis" (2007) 54 *Probation Journal* 368, 369.

³ This is reflected in two recent texts on the UK's immigration system and administrative law, which both provide only short overviews of the ICIBI and its work (S. York, *The Impact of UK Immigration Law: Declining Standards of Public Administration, Legal Probity and Democratic Accountability* (Cham: Palgrave Macmillan, 2022); R. Thomas, *Administrative Law in Action: Immigration Administration* (Oxford: Hart, 2022)).

⁴ Lee Marsons, "Ombudsman, Tribunals and Administrative Justice in the Journal of Social Welfare and Family Law" (2023) 45 *Journal of Social Welfare and Family Law* 265, 269.

⁵ Joanna Bell and Elizabeth Fisher, "Exploring a year of administrative law adjudication in the Administrative Court" [2021] *Public Law* 505.

⁶ Thomas, *Administrative Law in Action*.

public and political impact. Finally, the ICIBI's recommendations are not fully implemented by the Home Office and it lacks effective levers to ensure that its accountability judgements are translated into action. Viewed in isolation, the ICIBI lacks institutional strength to effect meaningful accountability.

However, the ICIBI does not exist in isolation but as part of a wider ecosystem of bodies involved in holding the executive to account for its handling of its immigration and asylum functions. This article situates the ICIBI in theoretical context as part of a wider "network of governance and accountability relationships" responsible for monitoring the actions of initial decision-makers and redress mechanisms.⁷ It is only in appreciating the ICIBI's role within this ecosystem are we able to properly account for its significance and influence.

This article therefore locates the ICIBI and other bodies in a framework of bodies responsible for "getting it right", "putting it right", and "setting it right" in immigration and asylum law.⁸ The Home Office's decision-makers (UK Visas and Immigration (UKVI), Border Force, and Immigration Enforcement) are responsible for getting it right. Courts, administrative review, complaints and ombudsmen are responsible for putting it right. The ICIBI, along with other bodies such as the Independent Monitoring Authority for Citizens' Rights (IMA) and the Windrush Commissioner are responsible for setting it right through their promotion of "institutional integrity".⁹

This article argues that this wider network of governance and accountability relationships can be described as an administrative justice ecosystem. To date, an ecosystem is an underutilised metaphor in the study of administrative justice, and its use reflects the ways in which it has grown up organically, with different bodies occupying specific niches. Fig.1 provides a political geography visualisation of the administrative justice and accountability ecosystem with respect to immigration and asylum law in order to map the terrain. In doing so, this work deploys and expands on the visualisations used in Keane's account of monitory democracy.¹⁰

⁷ T. Buck, R. Kirkham and B. Thompson, *The Ombudsman Enterprise and Administrative Justice* (Farnham: Ashgate, 2011), 63.

⁸ Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 57.

⁹ Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 205.

¹⁰ J. Keane, "Monitory Democracy?" in *The Future of Representative Democracy* (Cambridge: Cambridge University Press, 2011), p.218.

In order to understand the significance and influence of the ICIBI within the ecosystem it is necessary to empirically map the connectivity within this branch of the administrative justice ecosystem. To this end, this article performs a series of network analysis to explore the relationships between the ICIBI, the IMA, the Independent Anti-Slavery Commissioner (IASC), the Windrush Lessons Learned Review, and the Brook House Public Inquiry, plus the Home Affairs Select Committee. Network analysis is a social science methodology capable of providing rich, detailed descriptive accounts of the world, identifying the “patterns of ties” linking actors within a network.¹¹ Adopting this approach, this article performs, firstly, a network visualisation of the administrative justice and accountability ecosystem (Fig.2), and secondly, a citation network analysis (Fig.3) to uncover the interrelationship between the different bodies. Finally, a network analysis of citations of these bodies by MPs in parliament is conducted (Fig.4).

This article uncovers a largely interconnected network of actors within the administrative justice and accountability ecosystem. Within this ecosystem the ICIBI and Home Affairs Select Committee act as important amplifiers by frequently citing other bodies, thereby amplifying the accountability judgements made by others. In particular, the ICIBI has made sustained efforts to amplify the learnings from the Windrush Lessons Learned Review, suggesting that the ICIBI should be regarded as a key stakeholder for the new Windrush Commissioner, potentially challenging assumptions about the primacy of relationships with political bodies. The ICIBI is also the body most frequently cited by MPs in parliamentary debates and members of the Home Affairs Select Committee have also played an important additional amplifier role for the ICIBI within parliament, suggesting that the recently appointed Chief Inspector should prioritise a relationship with the committee.

This article therefore spotlights the ICIBI within the administrative justice literature, contributing an account of an under researched body. This article also makes the case that administrative justice and accountability bodies must be studied in the context of the broader ecosystem in which they operate in order to develop a fuller understanding of their role and effectiveness.

Administrative law, internal administrative law, and administrative justice

¹¹ Barry Wellman, “Network Analysis: Some Basic Principles” (1983) 1 Sociological Theory 155, 157.

In his survey of the UK's immigration administration, Thomas argues that administrative law encompasses any decision taken by an official of the administrative state which is governed by "the internal systems and processes within administration by which higher-level officials oversee, supervise and monitor the work of front-line officials".¹² Some of these are visible to the "legality model" of administrative law, where caseworking decisions (e.g. decisions on visa applications, decisions to make a deportation order, etc) may be subject to judicial determination through tribunal appeals or judicial review. However, the day-to-day activities of the Home Office's immigration, asylum, borders, and customs functions are much more extensive, are generally invisible to the judiciary and other redress mechanisms, and are predominantly based on an "internal administrative law" based on "internal written instructions, policies, guidance, performance standards and monitoring systems".¹³ Three examples help identify how prevalent this 'internal administrative law' is within the context of the Home Office's immigration, asylum, borders, and customs functions.

- It may be decided by Border Force officials to subject any parcel sent from overseas to targeted investigation against prohibited or restricted goods based on (redacted) criteria and classifications.¹⁴ Such investigations present a risk of delaying or damaging the parcel's contents and it is an inherent interference with the right to respect for correspondence (under article 8 of the European Convention on Human Rights).¹⁵
- A Home Office Presenting Officer (the official responsible for presenting the SSHD's case before the Immigration and Asylum Tribunal) can review and choose to withdraw the initial refusal of an immigration application. The decision as to whether or not to withdraw a decision is governed by internal administrative guidance.¹⁶ Choosing to maintain a decision imposes financial and emotional costs on the appellant.

¹² Thomas, *Administrative Law in Action*.

¹³ Thomas, *Administrative Law in Action*.

¹⁴ D. Neal, "An inspection of Border Force's fast parcels operations: May-July 2023" (ICIBI, February 2024).

¹⁵ Albeit an interference which may be self-evidently proscribed by law, for the legitimate aim of preventing crime and disorder, and proportionately carried out, so that there can be no question of a breach of human rights occurring.

¹⁶ D. Bolt, "An inspection of the Home Office Presenting Officer function (November 2019-October 2020)" (ICIBI, January 2021) p.50.

- Whilst passing through border control, a Border Force “monitoring officer” may make a decision to refer a passenger away from the automatic ePassport gates for individual scrutiny. The “referrals officer” then has to make a separate decision as to the identity of the passenger before allowing them to enter the UK. This decision-making process is governed by the “E-passport gates: standard operating procedures”.¹⁷ In 2024, there was an average of 358,630 passenger arrivals in the UK every day,¹⁸ which means thousands of daily decisions about whether or not a passenger meets internal guidance on who to send to a referrals officer.

Administrative decisions by the state are not the only part of the administrative justice system. Buck, Kirkham and Thompson conceptualise the administrative justice system as comprising concentric circles radiating outwards from the initial decision-making by public bodies, out to redress mechanisms, and finally, to a “network of governance and accountability relationships”.¹⁹ They frame these as bodies responsible for “getting it right”, “putting it right”, and “setting it right”.²⁰ The outer layer in the typography, “setting it right”, is of central practical importance because:

“the mechanisms of “getting it right” and “putting it right” will not operate successfully unless such governance and accountability relationships are also established or “set” appropriately”.²¹

The bodies responsible for setting it right are also of analytical and theoretical importance for mapping the administrative justice system because they comprises a “network of governance and accountability relationships”.²² This way of understanding public administration therefore also “locate[s] administrative justice within the wider political and

¹⁷ D. Neal, “An inspection of ePassport gates (June 2020-January 2021)” (ICIBI, January 2022).

¹⁸ 130.9 million arrivals in the year ending September 2024: Home Office, “How many people come to the UK each year (28 November 2024) gov.uk, <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-september-2024/how-many-people-come-to-the-uk-each-year>.

¹⁹ Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 57.

²⁰ Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 57.

²¹ Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 63.

²² Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 63.

constitutional environments”.²³ Using this typography, the immigration and asylum administrative justice system comprises:

- **Getting it right:** Home Office decision-makers located in Border Force, Immigration Enforcement, and UK Visas and Immigration (UKVI);
- **Putting it right:** Administrative Review of initial decisions (conducted internally by UKVI caseworkers, often in circumstances where there is no right of appeal);²⁴ departmental internal complaint-handling and complaints made via an MP;²⁵ the Parliamentary and Health Service Ombudsman; appeals to the Immigration and Asylum Tribunal; and, Judicial Review;
- **Setting it right:** the ICIBI; the Independent Monitoring Authority for the Citizens’ Rights Agreement (IMA) (protecting the rights of EU national migrants in the UK); the Independent Anti-Slavery Commissioner (IASC) (in that people trafficking is frequently a cross-border issue); and the Windrush Commissioner.²⁶ Setting it right can also be done by time-limited, ad hoc inquiries of different types, such as the Windrush Lessons Learned Review and the public inquiry into the Brook House immigration detention centre

In addition, a number of other bodies in the network of governance and accountability relationships have subject remits which intersect with immigration and asylum. The roles of the ICIBI and HM Inspectorate of Prisons (HMIP) intersect in the immigration detention estate. Statute disbars the ICIBI from monitoring or reporting on the functions of immigration removal centres, where this would otherwise overlap with HMIP’s statutory functions.²⁷ The ICIBI is

²³ Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 63.

²⁴ Home Office, “Administrative Review” (9 April 2025), Version 15.0, <https://assets.publishing.service.gov.uk/media/67f5028a90615dd92bc90cf3/Administrative+review.pdf>.

²⁵ Thomas, *Administrative Law in Action*.

²⁶ A new position, with the first Commissioner (Reverend Clive Foster) only appointed in June 2025 (Home Office, “Reverend Clive Foster appointed as first Windrush Commissioner” (18 June 2025) [gov.uk](https://www.gov.uk/government/news/reverend-clive-foster-appointed-as-first-windrush-commissioner), <https://www.gov.uk/government/news/reverend-clive-foster-appointed-as-first-windrush-commissioner>).

²⁷ UK Borders Act 2007, s.48(2A). The ICIBI does though inspect conditions at places used to accommodate asylum applicants at “short-term holding facilities” (such as that at Manston), “contingency accommodation”

concerned with immigration and asylum decision-making affecting those held in immigration detention, whereas HMIP is concerned with the treatment and conditions of detainees, and there exists a memorandum of understanding between the two inspectorates.²⁸ Parliament's Home Affairs Select Committee frequently reports on immigration and asylum related topics.²⁹ Other bodies may take an interest in a specific aspect of immigration and asylum policy where these intersect with their primary constituency, such as in examples from the Children's Commissioner³⁰ and the Domestic Abuse Commissioner.³¹

The Independent Chief Inspector of Borders and Immigration (ICIBI)

Despite this range of different bodies involved in the administrative justice and accountability of the immigration and asylum system, the ICIBI is unique as a *permanent* accountability forum *solely* dedicated to the scrutiny of the *operational* (rather than policy) activities of the Home Office's immigration and asylum functions. The ICIBI is a statutory body, designed to provide independent oversight and accountability of the Home Office. It was created in the wake of a 2006 crisis in the Home Office after it emerged that foreign nationals had been released from their prison sentences without consideration given to issuing deportation orders against them.³² Arguably, the Home Office has remained in a state of permacrisis since.

The ICIBI's role was created and defined by statute (UK Borders Act 2007, s48). Its functions, according to the statute, are to “monitor and report on the efficiency and effectiveness of the performance of functions” (s48(1A)) and “services provided” (s48(1B)) by the Secretary of State for the Home Department (SSHD) and her officials, in relation to customs,

(such as the Bibby Stockholm barge and Napier Barracks), and the use of hotels. None are, officially speaking, places of detention.

²⁸ “Memorandum of Understanding between the Independent Chief Inspector of Borders and Immigration and His Majesty's Chief Inspector of Prisons” (2022) https://assets.publishing.service.gov.uk/media/63624f60e90e0705a935f33d/221102_HMIP_ICIBI_MoU_FINAL_Signed_24.10.22.pdf.

²⁹ For example; Home Affairs Committee, “Channel crossings, migration and asylum” (18 July 2022) HC199; “Asylum and migration: Albania” (12 June 2023) HC197; Home Affairs Committee, “UK-Rwanda treaty: provision of an asylum partnership” (12 January 2024) HC434.

³⁰ Children's Commissioner, “Skype Families: The Effects on Children of Being Separated from a Mum or Dad Because of Recent Immigration Rules” *Children's Commissioner*, <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/SkypeFamilies-CCO.pdf>.

³¹ Domestic Abuse Commissioner, “Safety Before Status: Improving Pathways to Support for Migrant Victims of Domestic Abuse” *Domestic Abuse Commissioner*, <https://domesticabusecommissioner.uk/wp-content/uploads/2021/10/Safety-Before-Status-Report-2021.pdf>.

³² Hindpal Singh Bhui, “Alien Experience”, 369.

immigration, asylum and nationality.³³ “In particular” (s48(2)), the ICIBI “shall consider and make recommendations about” a range of specified issues. The ICIBI is therefore concerned with the implementation of the Home Office’s overarching immigration and asylum policies, rather than in scrutinising the political content of those policies. Unlike an ombuds service, the ICIBI’s role is not to investigate or decide on individual complaints about the Home Office.³⁴

It has also been argued that the ICIBI’s statutory remit is too limited, particularly in its ability to consider issues arising from the “privatisation” of border control,³⁵ what scholars would call “everyday bordering”³⁶ or the internalisation of the border,³⁷ where responsibilities for scrutiny and adherence is “deputised”³⁸ to private actors “in efforts to discharge policing and accountability to lay citizens”.³⁹ In short, restricting the ICIBI’s role to investigating the border at the physical frontiers of the state ignores the increasing prevalence and relevance of the border on the inside. Although the ICIBI has reported on illegalised working⁴⁰ and the right to rent schemes,⁴¹ which are central planks of the hostile environment policy, they are clearly not the focus of the ICIBI’s work.

To date, there have been four permanent Chief Inspectors, John Tuckett (October 2025-present),⁴² David Neal (March 2021-February 2024), David Bolt (May 2015-March 2021), and

³³ Monitoring and reporting on removal centres, short-term holding facilities, and detention facilities “in so far as” these are within the remit of other independent inspectorates, are explicitly excluded from the ICIBI’s role “[u]nless directed to do so by the Secretary of State” (UK Borders Act 2007, s.48(2A)).

³⁴ UK Borders Act 2007, s.48(4): “The Chief Inspector shall not aim to investigate individual cases (although this subsection does not prevent the Chief Inspector from considering or drawing conclusions about an individual case for the purpose of, or in the context of, considering a general issue)”.

³⁵ J. Owen, et al, “Managing Migration After Brexit” (March 2019) *Institute for Government*, https://www.instituteforgovernment.org.uk/sites/default/files/publications/IfG-Migration-After-Brexit_4.pdf, p.49.

³⁶ Nira Yuval-Davis, Georgie Wemyss and Kathryn Cassidy, “Everyday Bordering, Belonging and the Reorientation of British Immigration Legislation” (2018) 52 *Sociology* 228.

³⁷ Alison Kesby, “Internal Borders and Immigration Control: New Prospects and Challenges” [2010] *European Human Rights Law Review* 176.

³⁸ Melanie Griffiths and Colin Yeo, “The UK’s Hostile Environment: Deputising Immigration Control” (2021) 41 *Critical Social Policy* 521.

³⁹ Joe Crawford, Sharon Leahy and Kim McKee, “The Immigration Act and the “Right to Rent”: Exploring Governing Tensions Within and Beyond the State” (2016) 10 *People, Place and Policy* 114.

⁴⁰ D. Neal, “An inspection of illegal working enforcement” (February 2024) *ICIBI*; D. Bolt, “An inspection of the Home Office’s approach to illegal working” (May 2019) *ICIBI*.

⁴¹ D. Bolt, “An inspection of the “Right to Rent” scheme” (March 2018) *ICIBI*.

John Vine (July 2008-December 2014). As an individual, the ICIBI is appointed for a three-year term with the possibility of re-appointment for a further three.⁴³ They are responsible for a budget of c£2million p.a. and a team of about thirty members of staff,⁴⁴ although there have been complaints that the budget has been “stagnant” since 2009 and “staffing levels have actually decreased”.⁴⁵

The ICIBI is recruited and appointed by the SSHD and is made subject to a public, pre-appointment hearing by the House of Commons’ Home Affairs Select Committee, but the committee has no formal power to block the appointment of the SSHD’s preferred candidate. Indeed, David Neal was appointed despite the committee refusing to recommend him for the role because of perceived weakness in his ability to provide public challenge to the SSHD.⁴⁶ Although the Home Affairs Select Committee approved the appointment of John Tuckett, it did so in terms in which it “calls on Mr Tuckett to ensure he demonstrates his independence and is fully prepared to challenge the Home Office in private and in public”.⁴⁷

Overshadowing the appointment of John Tuckett—and referenced repeatedly (albeit obliquely) in his pre-appointment hearing⁴⁸—was the dismissal of David Neal from his role as

⁴² David Bolt acted as interim Chief Inspector between Neal’s dismissal in February 2024 and John Tuckett’s appointment in October 2025: Home Office, Independent Chief Inspector of Borders and Immigration, and Mike Tapp MP, “John Tuckett appointed as new ICIBI” (7 October 2025) *gov.uk*, <https://www.gov.uk/government/news/john-tuckett-appointed-as-new-icibi>.

⁴³ Home Affairs Committee, “Appointment of the Independent Chief Inspector of Borders and Immigration: Appendix A: Correspondence between the Secretary of State and the Chair” *Home Affairs Committee*, <https://publications.parliament.uk/pa/cm5801/cmselect/cmhaff/1024/102405.htm>.

⁴⁴ Home Affairs Committee, “Appointment of the Independent Chief Inspector of Borders and Immigration: Report” *Home Affairs Committee*, <https://publications.parliament.uk/pa/cm5801/cmselect/cmhaff/1024/102403.htm>. See also ICIBI, “About Us” *gov.uk*, <https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration/about>.

⁴⁵ David Neal, quoted in J. Dunton, “Home Office U-turns on Windrush inquiry recommendations” (27 January 2023), *Civil Service World*, <https://www.civilserviceworld.com/news/article/home-office-uturns-on-windrush-inquiry-recommendations>.

⁴⁶ Home Affairs Committee, “Appointment of the Independent Chief Inspector of Borders and Immigration: Appendix A”. Although a formal veto is noted as not being the only mechanism of influence that committees possess over the appointment process, the decision to take up a role in defiance of a committee’s recommendation is a personal matter for individual candidates and prior examples of individuals being appointed despite the advice of committees has appeared to have dampened MPs enthusiasm for the process (Robert Hazell, Mark Chalmers and Meg Russell, “Pre-Appointment Scrutiny Hearings in the British House of Commons: All Bark, or Some Bite?” (2012) 18 *The Journal of Legislative Studies* 222).

⁴⁷ UK Parliament, “Report publication: Appointment of the Independent Chief Inspector of Borders and Immigration” (17 February 2025) *UK Parliament*, <https://committees.parliament.uk/committee/83/home-affairs-committee/news/205296/report-publication-appointment-of-the-independent-chief-inspector-of-borders-and-immigration/>.

ICIBI in February 2024. Neal had provided to the press details of an unpublished inspection report (i.e. one that he had presented to the SSHD but the SSHD had yet to lay before Parliament) which was critical of the number and quality of checks being done on passengers arriving at London City airport.⁴⁹ The SSHD's official statement argued that this was a breach of the terms of the ICIBI's appointment and thus Neal had lost his confidence.⁵⁰ Neal's dismissal was protested by civil society in an open letter to the SSHD⁵¹ and was the subject of an urgent question in the House of Commons.⁵² The circumstances of Neal's dismissal are ironic given the Home Affairs Select Committee's reservations about his ability to provide public challenge to the SSHD.

These events occurred against two backdrops. Firstly, the SSHD had not lain before parliament fifteen ICIBI reports which had been delivered to the SSHD. The previously agreed position was that reports would be published within eight weeks of their delivery, but all the outstanding reports exceeded this timeframe. Thirteen of these reports were released eight days after Neal's sacking.⁵³ These included the report on London City airport, the contents of which Neal had provided to the press.

This was not the first time that the SSHD had been criticised for delaying the publication of ICIBI reports, and the issue pre-dated Neal's tenure. The Institute for Government (IfG) reported that:

“In 2018, the Home Office published five of the inspectorate's reports on one day—the last day before Parliament rose for Easter. Reports were held up and kept for publication in a batch, immediately before a public holiday break, to limit their impact”.⁵⁴

⁴⁸ Home Affairs Committee, “Oral evidence: Pre-appointment hearing: Independent Chief Inspector of Borders and Immigration” (Tuesday 11 February 2025) HC 713.

⁴⁹ A. Bland, “How a sacked official blew the whistle on new lows in the asylum system”, *The Guardian*, 28 February 2024; J. Heal, “Home Office sacks immigration inspector after border claims”, *The Spectator*, 20 February 2024.

⁵⁰ Home of Commons Written Statements, The Secretary of State for the Home Department, James Cleverly MP, ‘Independent Chief Inspector of Borders and Immigration’ (vol 745: debated on Wednesday 21 February 2024).

⁵¹ Praxis et al, “Joint Letter in Response to Dismissal of Independent Chief Inspector of Borders and Immigration” Praxis, <https://www.praxis.org.uk/briefings/joint-letter-dismissal-chief-inspector>.

⁵² HC Deb 4 March 2024, vol 746, col 643.

⁵³ HC Deb 4 March 2024, vol 746, col 643.

⁵⁴ Owen et al, “Managing Migration After Brexit”, p.49.

IfG argued further that:

“Burying these reports between the slew of announcements and publications on the last day before recess does not help the scrutiny of the immigration system”.⁵⁵

Secondly, Neal was reportedly asked to “tone down” a report that was critical (“excessively” so, according to the Home Office official) of the handling of Channel migrant crossings.⁵⁶ Neal had already been told that he would not be reappointed after his first term in office (his predecessors in the role had both served two terms of three years).⁵⁷

The Home Office’s continued grip on funding, appointments, and report publication, clearly implicate the extent to which the ICIBI is able to act completely independently of its sponsoring department. Additionally, in 2023, the Home Office refused to allow members of the Home Affairs select committee to accompany the ICIBI on an inspection.⁵⁸ However, the ICIBI does independently decide their own subjects of inspection, within the legislative scheme. Although they must consult the SSHD, nothing “prevents the Chief Inspector from doing anything not mentioned in a plan” (UK Borders Act 2007, s51). And the work of the ICIBI is inherently capable of creating unwanted headlines for the government, regardless of the identity of the Chief Inspector.⁵⁹

The ICIBI is distinguished from other administrative justice and accountability bodies in this arena by its foundation as an inspectorate and its core methodologies of scrutiny. An inspectorate uses boots-on-the-ground observations of the real-time working of the body that it is scrutinising.⁶⁰ This methodology is supplemented by other forms of review familiar to

⁵⁵ Owen et al, “Managing Migration After Brexit”, p.49.

⁵⁶ A. Bychawski, “Home Office said sacked immigration watchdog was “excessively critical”” (18 September 2023) *openDemocracy*, <https://www.opendemocracy.net/en/home-office-suella-braverman-david-neal-excessively-critical-independent-chief-inspector-borders/>; A. Bychawski, “Home Office pressured inspector to soften damning report on Channel crossings” (21 July 2022) *openDemocracy*, <https://www.opendemocracy.net/en/home-office-migrant-channel-crossings-tug-haven-western-jet-foil-chief-inspector-priti-patel/>.

⁵⁷ Bland, “How a sacked official blew the whistle on new lows in the asylum system”; Heal, “Home Office sacks immigration inspector after border claims”.

⁵⁸ HC Deb 18 September 2023, vol 737, col 1141.

⁵⁹ For example, under David Bolt as interim ICIBI: D. Taylor, “Home Office “mostly consulted Rwandan officials” in asylum plan safety report”, *The Guardian*, 10 September 2024.

other scrutiny bodies, such as documents review and stakeholder engagement, and inspections may at times be conducted by other bodies, but an inspectorate is distinguished by the fact that *inspections* are the defining characteristic of how they conduct their scrutiny mission. The ICIBI therefore shares this characteristic feature with OFSTED (the education inspectorate) and the CQC (the health and social care inspectorate), as well as the criminal justice Inspectorates (of Constabulary, Prisons, Probation, and Prosecution).⁶¹

Although the ICIBI shares many of its methodologies as an inspectorate with HMIP, there are two significant contrasts. Firstly, the ICIBI's report on its "stakeholder relationships" does not place a central emphasis on migrants and instead focusses on relationships with other institutional players and civil society, although David Neal as ICIBI reported having met with "those with lived experience of the asylum and immigration systems."⁶² This contrasts sharply with the HMIP where prisoner "voice" is central to their methodology.⁶³ Secondly, HMIP produces documents which it refers to as its *Expectations*: "a text-book for those seeking to run good, "healthy" prisons."⁶⁴ The *Exceptions* "are all referenced against relevant international human rights standards and norms".⁶⁵ There are ten areas in which *Expectations* have been published⁶⁶ and the *Expectations* for men's prisons alone runs to 58 pages.⁶⁷ In contrast, the ICIBI's own "expectations" document comprises a single sheet of A4⁶⁸ which reflects the relative maturity of HMIP as an institution, in comparison to much younger ICIBI.

⁶⁰ Albeit with a 'less regular presence' than other monitoring bodies in the prison context (Cormac Behan and Richard Kirkham, "Monitoring, Inspection and Complaints Adjudication in Prison: The Limits of Prison Accountability Frameworks" (2016) 55 *The Howard Journal* 432, 434.

⁶¹ Stephen Shute, "On the Outside Looking In: Reflections on the Role of Inspection in Driving Up Quality in the Criminal Justice System" (2013) 76 *MLR* 494, 496.

⁶² D. Neal, "Annual Report for the period 1 April 2022 to 31 March 2023" (February 2024) *ICIBI*, p.23-5.

⁶³ N. Hardwick, "Inspecting the prison" in *Handbook on Prisons* 2nd edn (London: Routledge, 2016), 648.

⁶⁴ Anne Owers, "Prison Inspection and the Protection of Prisoner's Right" (2010) 30 *Pace Law Review* 1535, 1545.

⁶⁵ Hardwick, "Inspecting the prison", 648.

⁶⁶ HMIP, 'Our Expectations' *gov.uk*, <https://www.justiceinspectorates.gov.uk/hmiprisons/our-expectations/>.

⁶⁷ HMIP, "Expectations: Criteria for assessing the treatment of and conditions for men in prison" (2023) Version 6, *gov.uk*, <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2023/09/Mens-Expectations-2023-FINAL.pdf>.

⁶⁸ ICIBI, "ICIBI's "expectations" of asylum, immigration, nationality and customs functions" *gov.uk*, https://assets.publishing.service.gov.uk/media/64db87563fde61000d4a52ba/ICIBI_Expectations_web_version_August_2023.pdf.

The ICIBI as an accountability forum

Accountability is a centrally important principle which the administrative justice system seeks to deliver. Accountability is said to go “beyond simply ensuring that policies are implemented as intended. There are, for example, increasing demands for efficiency in the public sector, and more generally for improved policy performance”.⁶⁹ Likewise it has been argued that accountability for policy performance can help secure individual rights,⁷⁰ and that “the mechanisms of “getting it right” and “putting it right” will not operate successfully unless such governance and accountability relationships are also established or “set” appropriately”.⁷¹ This is particularly so when administrative decisions are in effect invisible to judicial oversight, such as the ones identified above as some of the day-to-day administrative law decisions being taken by the Home Office. It is also no coincidence that the most in-depth evidence that we have about the internal administrative law of the Home Office comes from inspections carried out by the ICIBI.

Bovens provides a “narrow, sociological” definition of accountability as a particular form of social relationship between two bodies, an actor (who is held to account) and a forum (who holds the actor to account).⁷² Accountability is then defined as:

“a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences”.⁷³

This definition can then be used as an “analytical framework that can help to *establish* more systematically whether organisations or officials ... are subject to accountability at all”.⁷⁴ We can use the same to analyse the effectiveness of an accountability forum by assessing the strengths and limitations of the different facets of the accountability relationship.

⁶⁹ B.G. Peters, “Accountability in Public Administration” in *The Oxford Handbook of Public Accountability* (Oxford: Oxford University Press 2014), 212.

⁷⁰ Thomas, *Administrative Law in Action*.

⁷¹ Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 63.

⁷² Mark Bovens, “Analysing and Assessing Accountability: A Conceptual Framework” (2007) 13 *European Law Journal* 447, 450.

⁷³ Mark Bovens, “Analysing and Assessing Accountability”, 450.

⁷⁴ Mark Bovens, “Analysing and Assessing Accountability”, 448. Emphasis original.

Under this rubric, the ICIBI is clearly an accountability forum and the Home Office the actor being held to account. The ICIBI as a forum is able to pose questions to the Home Office through its inspections, and the ICIBI describes its' own purpose to be to:

“help improve the efficiency, effectiveness and consistency of the Home Office’s border and immigration functions through unfettered, impartial and evidence-based inspection”.⁷⁵

The power of the ICIBI, through its inspection reports, to “consider and make recommendations”⁷⁶ comprises its ability to pass judgement on the actor. The other characteristics of an accountability forum (the obligation of an actor to explain and justify their conduct, and that the actor may face consequences) are undoubtedly present in the relationship between the ICIBI and the Home Office. However, it is in these aspects that the weaknesses in the ICIBI’s powers are exposed.

The ICIBI has no power to force the Home Office to accept its recommendations for action arising from its inspection reports. Despite this, ICIBI has great success in having the Home Office accept its recommendations in full or in part (98 of 104 recommendations made in 2023-24. Yet, “Acceptance is not the same as implementation [and] re-inspections identified that earlier recommendations had been accepted but had not been implemented”.⁷⁷ This is because the only consequences that the ICIBI can directly impose on the Home Office are reputational. ICIBI reports may be picked up by media reporting, NGO advocacy, and by MPs in parliament, throwing public and political attention onto the Home Office’s failings.

Although the ICIBI chooses when to deliver their inspection reports to the SSHD it does not have control of when they are made public. Since 2014, the SSHD seized control of this power, deciding when to lay them before parliament (and simultaneously on the ICIBI website) along with the Home Office’s formal response. On adopting the power of publication, the SSHD had committed to publishing ICIBI reports within eight weeks of receiving them.⁷⁸ This

⁷⁵ D. Neal, “Annual Report for the period 1 April 2022 to 31 March 2023”.

⁷⁶ UK Borders Act 2007, s.48(2).

⁷⁷ D. Bolt, “Annual Report for the period 1 April 2023 to 31 March 2024” (September 2024), *ICIBI*, p.2.

⁷⁸ D. Neal, “Annual Report for the period 1 April 2022 to 31 March 2023”, p.9.

is clearly part of the Home Office's obligation to explain and justify their conduct, albeit an obligation that it has the power to unilaterally defer.

The Institute for Government (IfG) has argued that Home Office control over the timing of when inspection reports are released has “hamstrung” the ICIBI.⁷⁹ Recommendations to increase the powers of the ICIBI have been made by both IfG and the Windrush Lessons Learned Review. IfG has recommended giving the ICIBI the power to publish its own reports independently of the Home Office⁸⁰ whilst the Windrush Lessons Learned Review spoke more vaguely about “giving the ICIBI more powers with regard to publishing reports”.⁸¹ These recommendations were championed by senior Labour MPs in House of Commons debates whilst in opposition.⁸²

However, as has also been pointed out, “[p]ublication is necessary but not sufficient. Departments need to be obliged to tell parliament how they are responding to reports as well”.⁸³ The Windrush Lessons Learned Review also recommended that “Ministers should have a duty to publish clearly articulated and justified reasons when they do not agree to implement ICIBI recommendations”.⁸⁴ However, it is unclear as to how this would effectively address the concern, identified by the ICIBI and reported by the Windrush Lessons Learned Review, that “implementation and learning from [ICIBI] recommendations is not systematic across the department”.⁸⁵ Clearly, further work is required to ensure that the ICIBI's recommended actions penetrate more than just skin-deep within the Home Office.

Through a theoretical lens which views the ICIBI in isolation as a body responsible for holding the Home Office to account for its immigration, asylum, borders, and customs functions, the ICIBI is subjected to significant limitations which hinder its effectiveness and independence. These take the form of the control that the SSHD has over the appointment and

⁷⁹ Owen et al, “Managing Migration After Brexit”, p.49.

⁸⁰ Owen et al, “Managing Migration After Brexit”, p.54.

⁸¹ Wendy Williams, *Windrush Lessons Learned Review* (London: Home Office, 2020), HC 93, p.16.

⁸² HC Deb 10 January 2023 vol 725 col 426 (Dame Diana Johnson MP, Home Affairs Committee Chair) & col 424 (Stephen Kinnock MP, Shadow Immigration Minister).

⁸³ J. Rutter, “David Neal’s sacking shows why independent inspectors need more powers” (23 February 2024) *Institute for Government*, <https://www.instituteforgovernment.org.uk/comment/independent-inspectors-neal-cleverley>.

⁸⁴ Williams, *Windrush Lessons Learned Review* (2020), p.16.

⁸⁵ Williams, *Windrush Lessons Learned Review* (2020), p.92.

continuation of the Chief Inspector, budget and resource limitations imposed by the Home Office as sponsoring department, and the SSHD's power to unilaterally delay the publication of ICIBI reports to minimise their public and political impact. Finally, the ICIBI's own assessment is that its recommendations are not fully implemented by the Home Office and it lacks effective levers to ensure that its accountability judgements are translated into remedial action. Viewed in isolation, the ICIBI lacks institutional strength to effect meaningful accountability.

However, the ICIBI does not exist in isolation. This article argues that the ICIBI exists in an ecosystem of administrative justice and accountability actors. It is within this ecosystem that the strengths of the ICIBI come to the fore.

An ecosystem of administrative justice and accountability actors

One of the critiques of describing an administrative justice “system” is that it said to be too fragmentary⁸⁶ to comprise a system: in other words, the administrative justice system is not systematic enough to be a “system” at all. This may be true if one is looking for the kind of overarching design, intent, and coherence which might be expected of man-made systems. Perhaps instead we ought to talk about an administrative justice “ecosystem”.⁸⁷ The language and metaphor of ecosystems lend themselves well. It might be said that the administrative justice ecosystem is one that has grown up organically, rather than been purposefully created. Different institutions occupy specific niches and may compete for light (attention) or nourishment (resources). An ecosystem is healthy when it exhibits diversity, but an unhealthy one is characterised by monoculture or desertification. An ecological network is more resistant to shocks when there are many connections between its components. Parts of an ecosystem can wither and die from neglect, others may have limited lifespans by biological design, whilst

⁸⁶ Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 55.

⁸⁷ Whereas the term ‘accountability ecosystem’ is well established in the existing literature, I can find only one previous reference in the literature to an ‘administrative justice ecosystem’, which is not defined (Jo Hynes, Joe Tomlinson, Emma Marshall, Maria Wardale, and Celia Correale, ‘Holes in the digital parachute: an analysis of the introduction of online immigration appeals’ (2021) 35 *Journal of Immigration, Asylum and Nationality Law* 28). There exist only a handful of references to an ‘administrative law ecosystem’, which again do not seek to provide a definition of their usage (Mark Watts, “Reasonably Appropriate and Adapted? Assessing Proportionality and the ‘Spectrum’ of Scrutiny in *McCloy v New South Wales*” (2016) 35 *University of Queensland LJ* 349; Amy J Wildermuth and Lincoln L Davies, “Ghost Rules” (16 September 2016) *CSAS Working Paper 16-09, The C Boyden Gray Center*; https://administrativestate.gmu.edu/wp-content/uploads/2023/04/Wildermuth_16-09.pdf; Alison Gocke and Nathaniel Glass, “*Loper Bright* and Judicial Review of Ratemaking” (2025) 55 *Seton Hall Law Review* 1533; Yogo Pamungkas, et al., “Challenges of State Administrative Court Decisions Implementation: Analysis of Challenges to Execution of State Administrative Court Decisions” (2023) 3 *Eduvest* 1389).

others may have deep roots. An ecosystem may also possess “amplifiers”, which create the conditions for increased diversity to thrive and support the richness of the ecosystem.⁸⁸

Another problem is in finding adequate definition of an administrative justice (eco)system. As already observed, Buck et al., and Thomas have sought to expand the study of administrative justice beyond the narrow range of bodies that are visible through the “legality model” of administrative law. Yet there are a number of other bodies which share characteristics of “setting it right” (i.e. ones ‘working to promote what might generically be termed “institutional integrity”’).⁸⁹ A definition this wide would encompass parliament and its select committees, as well as (at least arguably) the media and civil society. These other bodies also have accountability relationships with the Home Office under Boven’s schema, as he allows for the possibility of “informal” consequences, “such as the very fact of having to render account in front of television cameras, or [...] the disintegration of public image”,⁹⁰ and for accountability obligations to be on “a voluntary basis” and purely “moral in nature” (which he labels horizontal accountability).⁹¹ But to incorporate these essentially political bodies into a definition of administrative justice is clearly *too* broad a definition, as recognised by Buck et al. when they consider the relationship between the ombuds services and select committees as the forum in which the administrative justice system “connect[s] to the wider policy and constitutional environments”,⁹² rather than suggest that the select committee itself is an institution of administrative justice. Yet that broader environment—an environment which is characterised primarily by its political accountability—is an important aspect of situating the ICIBI, and its relationship with other bodies, within the ecosystem of administrative justice *and* accountability within which it sits.

One account of the relationships between the organs of representative democracy (the executive, parliament etc) and accountability bodies is Keane’s description of a monitory democracy.⁹³ His stylised mapping of monitory democracy places “government watchdogs”,

⁸⁸ Thiago Gonçalves-Souza et al., “Bromeliads as biodiversity amplifiers and habitat segregation of spider communities in a Neotropical rainforest” (2010) 38 *The Journal of Arachnology* 270.

⁸⁹ Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 205.

⁹⁰ Mark Bovens, “Analysing and Assessing Accountability”, 452.

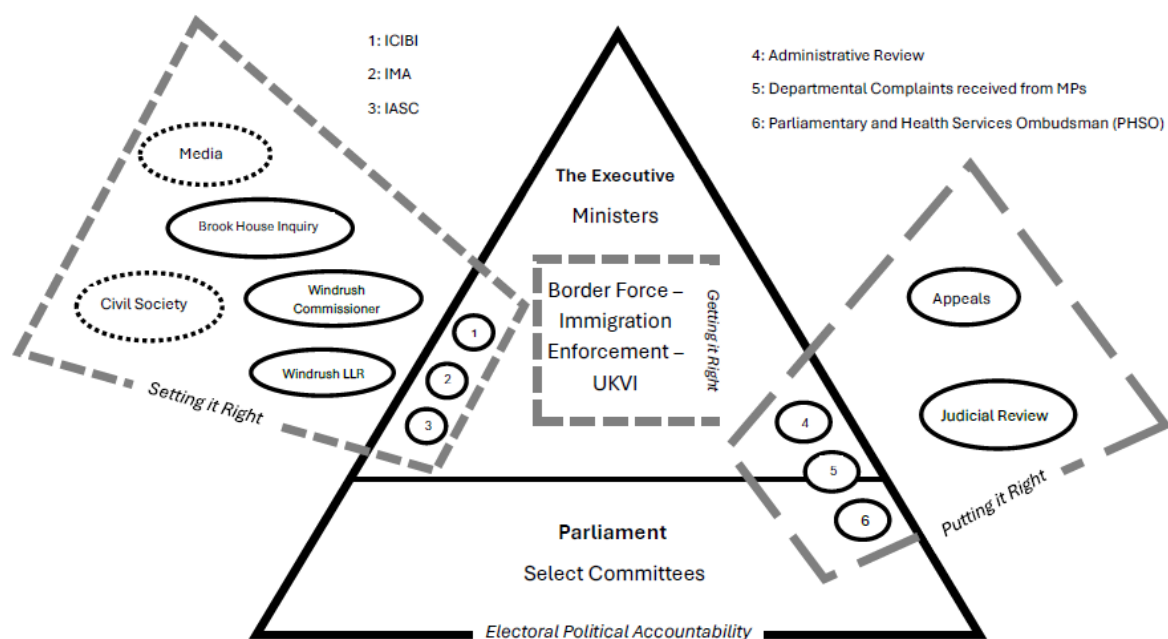
⁹¹ Mark Bovens, “Analysing and Assessing Accountability”, 460.

⁹² Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 64.

⁹³ Keane, “Monitory Democracy?”.

“civil society monitors”, and the media in networked constellation around a chevron composed of the executive at its apex, and formal democratic structures of elected representatives, elections, political parties and citizens at its base.⁹⁴ Keane’s visualisation of the “political geography of monitory democracy”⁹⁵ is useful because as well as administrative justice bodies, it also accounts for a range of other political actors implicated in accountability and highlights the networked nature of the relationships between them. However, as a model it does not include the courts (the archetypal administrative justice actor in the “legality model” of administrative law), and although the relationships between institutions are presented as being networked, they are also flat, in that Keane’s visualisation does not account for different kinds of roles and relationships, nor does it reflect the way in which many government watchdogs are creatures of the executive itself (e.g. as non-departmental public bodies).

By utilising different insights from these different theoretical perspectives—an administrative justice system, accountability forums, and monitory democracy—we can say that the ICIBI exists in an ecosystem of administrative justice and accountability actors, the political geography of which can be mapped as in Fig.1:



⁹⁴ Keane, “Monitory Democracy?”, 219.

⁹⁵ Keane, “Monitory Democracy?”, 218.

*Fig.1: Political geography visualisation of the administrative justice and accountability ecosystem in the immigration, asylum, and borders sphere*⁹⁶

The various actors are grouped by their role of “getting it right”, “setting it right”, or “putting it right”. Institutions which make up the administrative justice system are shown circled by solid lines, whereas accountability actors which play important accountability roles but cannot be classed as “administrative justice” in character are either not circled or appear in dashed circles. Parliament, select committees, government ministers, and the broader executive are encompassed within a pyramid comprising those bodies which are subject to electoral political accountability, either directly through general elections (i.e. MPs in parliament) or indirectly through the doctrine of ministerial responsibility. The ICIBI, IMA, and IASC are non-departmental public bodies, and therefore sit within the broader executive as bodies for whom the minister can be made responsible to parliament for. The Windrush Commissioner and Windrush Lessons Learned Review are/were public advisory appointments, and the Brook House Inquiry was a statutory public inquiry, and they therefore sit outside the formal sphere of the executive. Administrative Review is a core function of UKVI, and therefore clearly sits within the executive. The PHSO is an Officer of Parliament. Complaints made to the Home Office by MPs sit between parliament and the executive as they are initiated by the former and decided upon by the latter.

Fig.1 visualises the political geography of the ecosystem of administrative justice and accountability actors in the immigration and asylum sphere. It situates the institutions responsible for getting it right, putting it right, and setting it right, within their constitutional context. However, this is only one way of visualising the ecosystem. In particular, the visualising in Fig.1 does not identify the network of relationships that exist between the different actors.

Network analyses of the administrative justice and accountability ecosystem

Actors within the administrative justice and accountability ecosystem are networked through their formal and informal relationships. These networks are multifaceted in nature and may deeply intertwine different actors. Therefore, as well as situating the ICIBI within its political

⁹⁶ For clarity, institutions whose role may intersect with immigration, asylum, and borders, but which are not primarily concerned with those issues (e.g. HMIP, the Children’s Commissioner) are excluded.

geography and constitutional context (as per Fig.1) we can deploy network analysis to situate the ICIBI within its network of relationships.

Network analysis is an empirical research method capable of providing rich, detailed descriptive accounts of the world. It is used in a range of disciplines, including in the study of political processes⁹⁷ and in a variety of legal contexts.⁹⁸ Network analysis seeks to identify the “patterns of ties” linking actors within a network.⁹⁹ Actors might be natural persons, institutions, or in the study of law through legal citation network studies,¹⁰⁰ and legal texts. Network analysis allows for an understanding of the “cohesion or connectedness” of actors and the distribution of ties between them.¹⁰¹ As a method, network analysis “is primarily descriptive and/or exploratory”,¹⁰² deploying graphs as a “very efficient way of describing a social structure”.¹⁰³ The resulting description may then form “the basis of an informed normative argument” but a normative argument “does not automatically follow”.¹⁰⁴ By identifying the connections between actors within a network, “we can get a sense of the structural constraints and opportunities that an actor faces”.¹⁰⁵

This article undertakes two kinds of network analysis: firstly, a predominantly descriptive network visualisation of the administrative justice and accountability environment (Fig.2), and secondly, a citation network analysis (Fig.3). From this latter, a normative argument about “amplifiers” within the ecosystem emerges. But:

⁹⁷ Wellman, “Network Analysis”, 161.

⁹⁸ Ryan Whalen, “Legal Networks: The Promises and Challenges of Legal Network Analysis” [2016] *Michigan State Law Review* 539, 547.

⁹⁹ Wellman, “Network Analysis”, 157.

¹⁰⁰ Whalen, “Legal Networks”, 548.

¹⁰¹ Stephen P Borgatti et al., “Network Analysis in the Social Sciences” (2009) 323 *Science* 892, 894.

¹⁰² R.A. Hanneman and M. Riddle, “Introduction to Social Network Methods” (2005) *University of California, Riverside*, <https://faculty.ucr.edu/~hanneman/>.

¹⁰³ Hanneman and Riddle, “Introduction to Social Network Methods”.

¹⁰⁴ Niels Peterson and Emanuel V. Towfigh, “Network Analysis and Legal Scholarship” (2017) 18 *German Law Journal* 695, 697.

¹⁰⁵ Robert A. Hanneman and Mark Riddle, “A Brief Introduction to Analyzing Social Network Data” in *The SAGE Handbook of Social Network Analysis* (London: SAGE, 2011), 331.

“empirical models can only represent a certain perspective of “reality”. The perspective should be chosen according to the aim that a researcher pursues. This choice is necessarily subjective, even though methodological scrutiny proscribes certain choices”.¹⁰⁶

The describing and visualisation of an ecosystem of administrative justice and accountability actors in the immigration and asylum sphere in this article is not a definitive or complete account. This is not least because of the subjective choice of the ICIBI as the central actor of investigation. The network described herein is therefore an “egocentric network”: a network “defined from the perspective of a single focal actor of interest”.¹⁰⁷ A visualisation exercise with a different central actor would produce a differently configuration, even if many of the details would remain the same. Similarly, different ways of conceptualising relationships would produce different configurations (as the difference between Fig.2 and Fig.3, below, amply demonstrates). This analysis also does not preclude the existence of other networks within which the ICIBI and others are embedded: “a network of networks, overlapping and interacting in various ways”.¹⁰⁸ Clearly actors like the Home Affairs Select Committee are embedded in a variety of other networks, given their wide-ranging remit across criminal justice and policing. Whilst any network analysis is inevitably only partial it is still capable of producing robust and theoretically informed insights of significance for the description and analysis of administrative justice and accountability actors.

Accountability network analysis visualisation of the administrative justice and accountability ecosystem in the immigration, asylum, and borders sphere

Fig.1 provided an ecosystem visualisation of administrative justice and accountability actors in the immigration, asylum, and borders sphere, mapping the political geography based on actor’s relationships with the executive and legislature, and their administrative justice roles of “setting it right” or “putting it right”. In this section, Fig.2 provides an accountability network visualisation of the same actors but based instead on the formal nature of their accountability relationship.

¹⁰⁶ Peterson and Towfigh, “Network Analysis and Legal Scholarship”, 698.

¹⁰⁷ Jacqueline M Burgette et al., “Best Practices for Modeling Egocentric Social Network Data and Health Outcomes” (2021) 14 Health Environments Research & Design Journal 18, 21.

¹⁰⁸ Wellman, “Network Analysis”, 168.

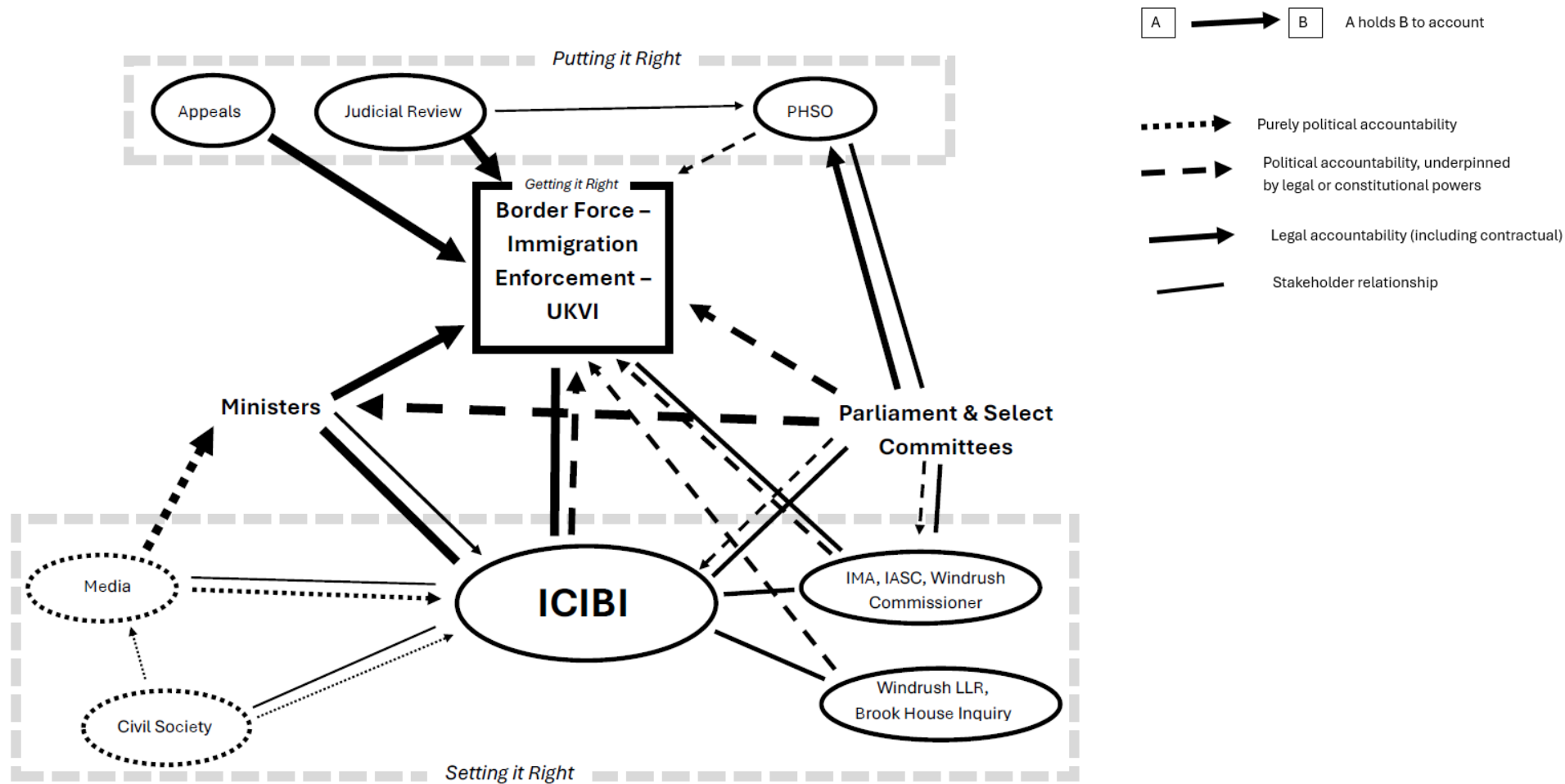


Fig.2: Network analysis visualisation of the administrative justice and accountability ecosystem in the immigration, asylum, and borders sphere

In network analysis, relationships are either directed or undirected. A directed relationship is where the relationship is not mutual: the relationship flows from one to the other.¹⁰⁹ Whilst a relationship of mutual accountability is more than possible (e.g. the media holding parliament to account, and simultaneously parliament holds the media to account through statutory regulation), most accountability relationships are not: they are directed in that the content of the relationship (accountability) flows solely from one to the other. These directed relationships are represented in Fig.2 by arrows, whereby accountability flows from one actor to another in the direction of the arrow.

The network analysis in Fig.2 also distinguishes between three different kinds of accountability relationship. The first is an accountability relationship defined by the imposition of legal consequences. The archetype is when courts (through appeal or judicial review) make legally enforceable decisions which set right unlawful decisions by the Home Office. Legal consequences may also be based on a contractual relationship. The Chief Inspector is contractually accountable to the Home Secretary, who may fire them, as happened to David Neal.¹¹⁰ Likewise, the PHSO is an Officer of Parliament who, as an individual, can be hired and fired by parliament.

The second kind of accountability relationship is primarily political, but underpinned by legal or constitutional powers of some kind. The ICIBI is accountable to the Home Affairs Select Committee who may conduct a pre-appointment hearing into the Home Secretary's preferred candidate, but whose recommendations to the SSHD are not binding. The committee may subsequently invite the Chief Inspector to give evidence on his performance,¹¹¹ backed by their power to send for persons and papers on pain of contempt proceedings.¹¹² Similarly, the committee may question the SSHD and junior ministers and is supported in doing so by the constitutional doctrine of ministerial responsibility, but the committee has no legal powers to require the SSHD or ICIBI to act in a particular way: the consequences that it can impose are purely political in nature. The IMA has powers to apply for judicial review or intervene in any

¹⁰⁹ Whalen, "Legal Networks", 542.

¹¹⁰ Home of Commons Written Statements, The Secretary of State for the Home Department, James Cleverly MP, 'Independent Chief Inspector of Borders and Immigration' (vol 745: debated on Wednesday 21 February 2024).

¹¹¹ See, for example, D. Neal, "Oral evidence: Migration and asylum, HC 197" (8 June 2022) *Home Affairs Committee*, <https://committees.parliament.uk/oralevidence/10372/html/>.

¹¹² UK Parliament, *Erskine May* 25th edn, digital edition, (2019) <https://erskinemay.parliament.uk/section/6122/power-to-send-for-papers-or-persons>, para.40.17.

legal proceedings it wishes in order to conduct its role.¹¹³ However, it is the courts that have the legal power to impose consequences on the executive.

The ICIBI holds the Home Office to account through its inspections mandated by statute (the UK Borders Act 2007) but lacks legal power to compel action to be taken on its recommendations. The consequences it can impose are restricted to subjecting the Home Office to the political embarrassment of public exposure through its reports. Similarly, the PHSO draws its powers from the Parliamentary Commissioner Act 1967 but lacks legal powers to enforce its recommendations.¹¹⁴

Political consequences may, in some circumstances, become legal consequences. For example, there is no legal obligation for public authorities to comply with the recommendations of a public inquiry, even through the application of article 3 of the European Convention on Human Rights, and judicial review cannot be used to enforce inquiry recommendations.¹¹⁵ Section 2 of the Inquiries Act 2005 prohibits a public inquiry from determining civil or criminal liability, although there is no general rule prohibiting the use of evidence given to a public inquiry, or the findings of the inquiry, being used in civil or criminal proceedings. Thus, in *Adeboyega*, the report of the public inquiry into the Brook House immigration detention centre was found admissible as evidence in a successful private law claim against the SSHD for legal and medical harms to an individual detainee, leading to the (legally enforceable) award of substantial damages.¹¹⁶ However, this kind of legal accountability arising from a public inquiry only arises indirectly as it must be achieved through other actors. It is, though, a good example of the kind of combined effects that a networked ecosystem of administrative justice and accountability can achieve.

Finally, accountability relationships may be purely political. Most notably, media and civil society actors regularly report on the action of other actors concerned with immigration and asylum (and thus have accountability relationships with all the other actors, but which are omitted from Fig.2 for clarity). However, they are not directed to do so by a particular statutory mandate and have no legal powers to compel consequences on any other actor: any consequences are purely a matter of political calculation.

¹¹³ European Union (Withdrawal Agreement) Act 2020, Schedule 2, para 30.

¹¹⁴ PHSO, “Putting things right” *ombudsman.org.uk* <https://www.ombudsman.org.uk/organisations-we-investigate/putting-things-right>.

¹¹⁵ *R. (D1914 and AAA) v SSHD* [2025] EWHC 1853 (Admin).

¹¹⁶ *Adeboyega v SSHD* [2024] EWHC 2365 (KB).

In network analysis, relationships may also be undirected: “the relationship between them does not exist “from” one node and “to” another, but simply exists between the two actors”.¹¹⁷ The relationship between different administrative justice and accountability actors may therefore also be that of “stakeholder”. The ICIBI’s stakeholders have variously been identified to include “end users”, civil society, local authorities, government agencies and departments beyond the Home Office, “the ports, the airlines, the airports and the port authorities”, other inspectorates, the Infrastructure and Projects Authority, and the Government Internal Audit Agency,¹¹⁸ “No. 10, the Home Affairs Committee and the House of Commons”, the media, trade unions,¹¹⁹ and the National Audit Office.¹²⁰

Fig.2 identifies stakeholder relationships with a solid line (reflecting the undirected nature of the relationship). Stakeholder relationships frequently coincide with accountability relationships (and “when they represent more than one type of relationship, networks are said to be “multiplex””).¹²¹ For example, the SSHD has a contractual accountability relationship with the ICIBI, whilst simultaneously being one of the ICIBI’s key stakeholders in terms of being able to encourage ministerial directions to the Home Office to implement the ICIBI’s recommendations.¹²² The media holds the ICIBI to account¹²³ but the ICIBI also relies on the media as stakeholders to follow up on his reports.¹²⁴ The Home Affairs Select Committee can hold the ICIBI to account, and at the same time the Chair has openly (and pointedly) invited

¹¹⁷ Whalen, “Legal Networks”, 542.

¹¹⁸ J. Tuckett, “Oral evidence: Pre-appointment hearing: Independent Chief Inspector of Borders and Immigration, HC 713” (11 February 2025) *Home Affairs Committee*, <https://committees.parliament.uk/oralevidence/15365/pdf/>.

¹¹⁹ C. Murray, “Oral evidence: Pre-appointment hearing: Independent Chief Inspector of Borders and Immigration, HC 713” (11 February 2025) *Home Affairs Committee*, <https://committees.parliament.uk/oralevidence/15365/pdf/>.

¹²⁰ D. Neal, “Oral Evidence: One-off session with the former Inspector of Borders and Immigration, HC 596” (27 February 2024) *Home Affairs Committee*, <https://committees.parliament.uk/oralevidence/14348/html/>.

¹²¹ Whalen, “Legal Networks”, 543.

¹²² D. Bolt, “Oral evidence: The work of the Chief Inspector of Borders and Immigration, HC 362” (8 December 2015) *Home Affairs Committee*, <https://committees.parliament.uk/oralevidence/5092/pdf/>.

¹²³ E.g. as preferred candidate as Chief Inspector, John Tuckett’s living arrangements came under considerable media scrutiny (Sky News, “Top candidate for borders watchdog who lives in Finland would work from UK full-time, says Starmer”, (12 February 2025) *Sky News*, <https://news.sky.com/story/top-candidate-for-borders-watchdog-who-lives-in-finland-would-work-from-uk-full-time-says-starmer-13307607>; A. Hossein-Pous, “Government’s top candidate for border watchdog would commute from Finland”, *The Standard*, 12 February 2025).

¹²⁴ Bolt, “Oral evidence: The work of the Chief Inspector of Borders and Immigration, HC 362”.

the view that the committee and its members are a key stakeholder for the ICIBI,¹²⁵ and David Bolt lamented that “I did not do very well in terms of having a relationship with the Committee” and praised his successor for creating “a very robust relationship”.¹²⁶ Indeed, he came to recognise that the committee:

is one of the few ways in which the ICIBI’s findings can be amplified and one of the few bodies that can hold the Home Office to account for its performance against our recommendations”.¹²⁷

The network visualisation in Fig.2 is based on an explication of the formal accountability relationships between actors. Visualising the administrative justice and accountability ecosystem in this way helps understand the networked nature of the relationships between the various actors. However, it cannot tell us empirically how effective accountability is, or how strong the relationships between bodies are.

Citation network analysis of the administrative justice and accountability ecosystem in the immigration, asylum, and borders sphere

The second form of network analysis conducted in this article is a citation network analysis of the administrative justice actors responsible for setting it right in the immigration, asylum, and borders sphere. Legal citation network analysis has been used to answer two different kinds of research questions. The first is about the relative importance or spread of the thing being cited (often case law),¹²⁸ whereas the second uses citations to identify relationships between actors or institutions.¹²⁹ This analysis is of the latter variety.

¹²⁵ Tuckett, “Oral evidence: Pre-appointment hearing: Independent Chief Inspector of Borders and Immigration, HC 713”.

¹²⁶ D. Bolt, “Oral evidence: Asylum accommodation, HC 580” (18 March 2025) *Home Affairs Committee*, <https://committees.parliament.uk/oralevidence/15576/pdf/>.

¹²⁷ Bolt, “Oral evidence: Asylum accommodation, HC 580”.

¹²⁸ For example, in Mattias Derlén and Johan Lindholm, “Goodbye *van Gend en Loos*, Hello *Bosman*? Using Network Analysis to Measure the Importance of Individual CJEU Judgments” (2014) 20 *European Law Journal* 667.

¹²⁹ For example, in Mathias Siems, “A Network Analysis of Judicial Cross-Citations In Europe” (2023) 28 *Law & Social Inquiry* 881, 890.

A citation network analysis tells us something about how the administrative justice and accountability ecosystem operates in practice. An ecosystem is vibrant when different niches are filled, but also where there is a high degree of interconnection between its constituent elements. Even when fulfilling specific niches—either by topic, role, access to different forms of accountability mechanism, constituents served, etc—different accountability actors benefit from interconnection with other actors. This is because connections between different actors might help overcome some of the constitutional limitations and constraints that each actor operates under. Connections between actors also help prevent the phenomenon of reports being issued and being left to gather dust on a shelf: a criticism made of the impact of both the ICIBI¹³⁰ and of select committees.¹³¹ Measuring citations of one accountability actor by another goes some way to identifying the effectiveness of working relationships between these actors.

There are some limitations to using a citation network analysis for this purpose, and the picture developed can only be partial. Whereas case law citation analysis has a clearly defined and easily identifiable unit to measure—case law—the “citation” of one accountability institution by another is less so. This is not least because they are not bound by the same citation conventions as courts or academic publication: there is no formal requirement to identify their sources, and the nature of their outputs may not lend themselves to the kind of distinct and formalised citation practices which aid in the identification of citations of case law. Therefore, citation network analysis cannot uncover what is unsaid: where the reports of other accountability actors influence or shape the statements of another but where that is not explicitly identified.

In this analysis, a “citation” is defined as occurring where an actor is invoked in support of, or evidence for, an assertion or statement. This may archetypically take the form of a statement that “This [other actor] has said that ...”. The assertion or statement might be a statement of fact (e.g. “they have said that there are one thousand of x”), of analysis (e.g. “they have said that there are too many of x”), or a normative ought or recommendations for action (e.g. “they have said that you ought to do x”). Alternatively, a citation arises when a statement is made and is supported by a footnote reference. In this analysis, multiple citations in a single document were counted as separate instances: where in doubt as to whether a paragraph

¹³⁰ S.C. McDonald, “Oral Evidence: Work of the Home Office, HC 536” (14 October 2020) Home Affairs Committee, <https://committees.parliament.uk/oralevidence/1051>.

¹³¹ House of Commons Liaison Committee, “The effectiveness and influence of the select committee system, Fourth Report of Session 2017-19” (9 September 2019) HC 1860, p.30.

contained one or multiple statements, the report author's use of footnotes was considered definitive (i.e. two separate footnotes in the paragraph were counted as two citations, one footnote covering the whole paragraph was counted as a single citation). Citations may or may not be accompanied by a precise identification of the source (e.g. which report by an actor) but instead counted when there was an identifiable and definite attribution of an assertion or statement to another actor.

Citations are also not the only form of relationship between actors and a citation network analysis cannot capture unreported contacts or relationships which do not meet the definition of a citation. Meetings between actors may take place formally and informally, publicly, and privately.¹³² Different actors may also have specific forms of relationships unique to them, such as the IMA "benchmarking our activity" with the ICIBI¹³³ or select committee's ability to call witnesses to give oral evidence on the public record. A citation network analysis cannot capture these kinds of unique interactions when they do not amount to a 'citation', even if they comprise a centrally important aspect of an actor's relationship with other bodies. However, these are reflected in the accountability network analysis in Fig.1, which underlines the importance of multiple frames of analysis for uncovering a more holistic picture of the relationship between bodies. What a citation network analysis does allow for is the analysis of a form of relationship which is consistent across all the actors studied here: all the bodies are able to produce official written reports or oral statements which are publicly available.

The actors chosen for this analysis are those administrative justice actors responsible for setting it right (ICIBI, IMA, IASC, Windrush Lessons Learned Review, and the Brook House Inquiry),¹³⁴ as well as the Home Affairs Select Committee, whose accountability roles are akin to setting it right and who have a defined accountability role underpinned by specific legal and constitutional powers (unlike civil society or the media who are thereby excluded from this analysis).¹³⁵ The timeframe for analysis is the 2019-2024 parliament (17 December

¹³² For example, the IMA recorded the fact of having planned "engagement" with the PHSO, which although is evidence of a relationship does not meet the definition of a "citation". IMA, "Minutes of Board Meeting" (19 September 2024) IMA, <https://ima-citizensrights.org.uk/wp-content/uploads/2025/02/Board-Minutes---September-2024.pdf>.

¹³³ IMA, "Minutes of Board Meeting" (16 March 2023) IMA, <https://ima-citizensrights.org.uk/wp-content/uploads/2023/05/2023-03-16-Minutes.pdf>.

¹³⁴ The Windrush Commissioner is excluded as it has yet to make any reports or statements (as of July 2025) which could cite or be cited.

¹³⁵ The outputs considered in scope: ICIBI inspection reports (excluding reports on country of information as these are conducted by independent experts under tender); the IMA and IASC websites and web-published documents attributable to the organisation; the Windrush Lessons Learned Review Report and the Brook House Inquiry

2019 to 30 May 2024) and the first year of the current parliament (17 July 2024 to 17 July 2025).¹³⁶ This period coincides with the existence of all the bodies under investigation¹³⁷ so as to minimise the distorting effect of relationships which could exist for a longer period of time (although this cannot be formally controlled for because it is impossible to disentangle the effect of working relationships which may have been developed over an extended period of time).

	ICIBI	IASC	IMA	Windrush Lessons Learned Review	Brook House Inquiry	Home Affairs Select Committee	<i>Total times citing</i>
ICIBI		8	0	19	0	21	48
IASC	2		0	0	0	4	6
IMA	0	0		0	0	0	0
Windrush Lessons Learned Review	18	0	0		0	9	27
Brook House Inquiry	23	0	0	3		10	36
Home Affairs Select Committee	14	6	0	18	2		40
<i>Total times cited</i>	57	14	0	40	2	44	

Table 1. Citation Network Matrix. The vertical axis is the citing body, the horizontal axis is the cited body.

Report (as reflecting the actions of the body rather than of its contributors or participants); Home Affairs Select Committee reports and questions in oral evidence sessions (as questions are decided collectively by the committee). The IMA, IASC, and select committee outputs were searched using a Google Advanced keyword search. The Windrush Lessons Learned Review Report and the Brook House Inquiry Report are single documents and were keyword searched using the search function embedded in Adobe's PDF reader. ICIBI reports were uploaded to NVIVO and a keyword search deployed within NVIVO. The keywords deployed were consistent between each search. Searches were conducted by the author and research assistants. Keyword results were manually read by the author or research assistants to identify qualifying citations.

¹³⁶ Where a document is undated, metadata or context clues were used to determine whether it was in temporal scope (for example, a document citing publications from 2023 could not have been produced before that date).

¹³⁷ ICIBI established 2009; IASC established by the Modern Slavery Act 2015; IMA established 2020; the Windrush Lessons Learned Review report is dated 19 March 2020; and, the Brook House Inquiry reported on 19 September 2023.

The Citation Network Matrix in Table.1 records the number of times that each body cited another in the relevant period. The ICIBI is the most frequently citing body (n=48) and the most cited (n=57). The Home Affairs Select Committee is second most frequently cited (n=44) and citing (n=40). The Windrush Lessons Learned Review (n=27) and Brook House Inquiry (n=36) also highly cited others within the network.

Fig.3 visualises the cross-citations between bodies in the citation network. Each body in the network is represented by a node, the thickness of each is proportionate to the total times that it cites other bodies in the network. The directional links between nodes show the citing and cited relationship between each body, with the weight of lines being heavier where there are a larger number of citations. Fig.3 illustrates the interconnectedness of the network, with the notable exception of the IMA, which is neither a citing nor cited body within the network.

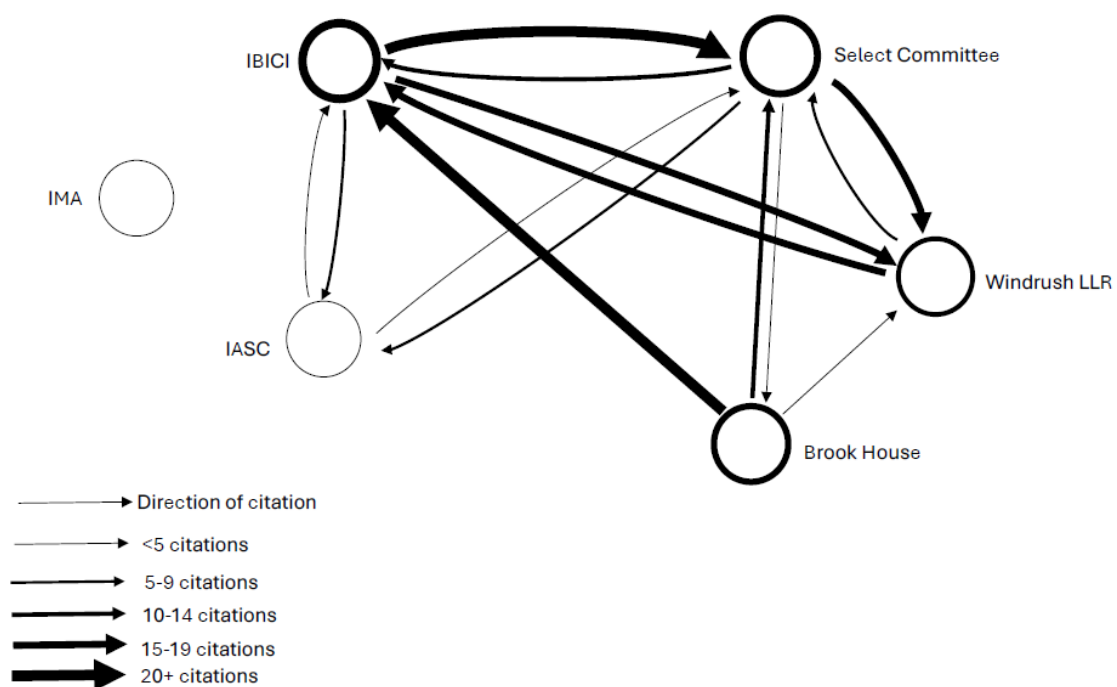


Fig.3: Network analysis of cross-citations between bodies.

Fig.3 shows that within this network, the ICIBI and Home Affairs Select Committee operate as the dominant amplifiers, citing the work of each other and the specialist bodies (other than the IMA) the most often in the course of their activities. It also shows weak or non-existent interconnectedness between the bodies with specific remits (the IASC, Brook House Inquiry, and Windrush Lessons Learned Review). This may indicate that they occupy discrete niches

within the administrative justice and accountability ecosystem, addressing issues with very little overlap.

The Windrush Lessons Learned Review and Brook House Inquiry were, by design, time-limited exercises in accountability and they appear to have acted effectively as short-term amplifiers within the network, consistently relying on previous findings and recommendations of other bodies. Post-publication, the Windrush Lessons Learned Review has had a much greater impact having been cited by others in the network 40 times, whereas the Brook House Inquiry has been cited only twice. This may reflect the limited time in which other bodies have had to follow up its work (the Windrush Lessons Learned Review report is dated 19 March 2020 and the Brook House Inquiry reported on 19 September 2023).

However, there are some limitations to the Select Committee as an effective amplifier within the network. Despite the resource challenges facing the ICIBI, the Home Affairs Select Committee arguably is faced with a greater resource bottleneck, particularly that imposed by the availability of MP's time. This resource bottleneck has consequences for the number of outputs produced. In 2024 alone, the ICIBI published 15 inspection reports, varying in length between 24 to 136 pages. In contrast, the Home Affairs Select Committee produced three reports in the same year (albeit in a year in which parliamentary time was lost to general election).

The administrative justice and accountability ecosystem and parliament

Parliament is a *sui generis* institution in the accountability ecosystem. It clearly meets Boven's definition of an accountability forum: individual MPs can ask questions which Ministers must respond to, MPs can pass judgement, and Ministers face consequences for their conduct through the doctrine of Ministerial responsibility. It also shares features of a body which "sets it right" by promoting "institutional integrity"¹³⁸ within the wider ecosystem.

Parliament is clearly centrally important for the administrative justice and accountability ecosystem. However, in much of parliament's accountability activities, it does not speak with a single corporate voice and is instead comprised of 650 individually motivated actors (albeit with some bound to collective responsibility as members of the executive, and most steered by the whipping operation of the political parties). It therefore does not make sense to examine the ways in which the ICIBI and other administrative justice and accountability bodies are networked with parliament in the same citation network as in the

¹³⁸ Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 205.

previous part of this article because the lack of corporate voice means that it does not make sense to talk of a body citing parliament.

Parliament's (or rather, individual MP's) citation of the ICIBI, IMA, IASC, Windrush Lessons Learned Review, Brook House Inquiry, and the Home Affairs Select Committee was also studied in the same 17 December 2019 to 17 July 2025 period. The same search terms were applied, using a mixture of manual and automated search (through a Playwright web-scraping script) of the Hansard website for the House of Commons.¹³⁹ These were then uploaded to NVIVO and manually coded, using the same definition of a citation as used in the previous part.¹⁴⁰

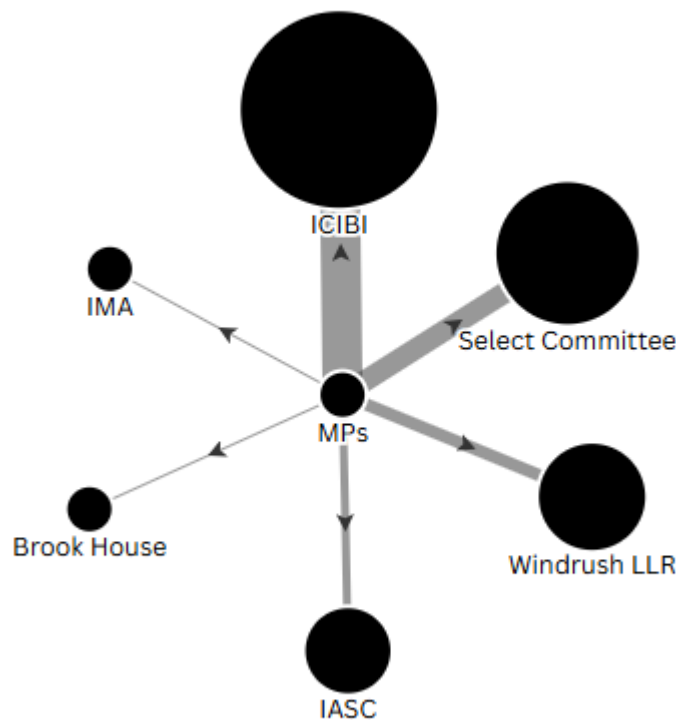


Fig.4: Network analysis visualisation of citations by MPs. Created with <https://app.flourish.studio/>.

¹³⁹ Hansard records proceedings of legislative committees and Westminster Hall debates as well as debates on the floor of the House of Commons.

¹⁴⁰ Citations of the Home Affairs Select Committee were only recorded in the context of a debate about immigration, asylum, customs, or nationality.

MPs most frequently cited the ICIBI (n=67), followed by the Home Affairs Select Committee (n=34), the Windrush Lessons Learned Review (n=20), and the IASC (n=13). MPs barely cited the Brook House Inquiry (n=3) or the IMA (n=2). This follows the frequency pattern observed within the citation network between these bodies, with the ICIBI being most cited by other accountability forums. The total number of citations by MPs in this period (n=139) is not far short of the total number of citations between the other accountability forums (n=157). This reflects the important role played by a flourishing administrative justice and accountability ecosystem because MPs clearly lean heavily on the work done by other bodies. Even if parliament could be considered the apex predator of the administrative justice and accountability ecosystem because of its unique powers and constitutional role, it heavily relies on the information gathering and expertise of other bodies.¹⁴¹

	Government Frontbench	Government Backbench	Opposition Frontbench	Opposition Backbench	Select Committee Member	Total times cited
ICIBI	2	2	36	10	17	67
IASC	1	1	11	0	0	13
IMA	1	0	1	0	0	2
Windrush Lessons Learned Review	4	1	6	8	1	20
Brook House	0	0	0	0	3	3
Select Committee	1	7	4	9	13	34
Total citations by MP type	9	11	58	27	34	

Table 2. Citations of different bodies, broken down by MP type.

What is also interesting are which kinds of MPs are citing other bodies in the ecosystem. MPs were manually coded as being either a member of the government frontbenches (having a role on the ministerial payroll), a government backbencher (a member of the governing party

¹⁴¹ An alternative analogy is that of ‘police-patrol oversight’ and ‘fire-alarm oversight’, that rather than maintaining its own centralised, persistent vigilance, legislators might prefer to operate a system of accountability and scrutiny which consists of creating and perfecting a decentralised system whereby it can respond to the fire alarms raised by others (Matthew D McCubbins and Thomas Schwartz, “Congressional Oversight Overlooked: Police Patrols versus Fire Alarms” (1984) 28 American Journal of Political Science 165, 166).

who is not on the ministerial payroll), an opposition frontbencher (an MP designated as a spokesperson for any opposition party, including shadow Ministerial roles), an opposition backbencher (an MP not of the governing party without a designated role as spokesperson for the party), and a member of the Home Affairs Select Committee.¹⁴² The results are recorded in Table 2.

Government frontbenchers cited other bodies the least (n=9), followed by government backbenchers (n=9), which might reflect that there was little good news for the government in their reports. Opposition frontbench spokespeople and shadow ministers cited other bodies the most (n=59) and opposition backbenchers cited 27 times. Members of the Home Affairs Select Committee cited other bodies 34 times. Of the members of the committee citing other bodies in parliament, the chair¹⁴³ did so 17 times, and other members 17 times between them. These numbers may reflect some of the power dynamics within parliament, with opportunities to speak being more readily available to the opposition frontbench spokespeople over backbenchers, and select committee members—and particularly their chairs—finding it easier to command Parliamentary time than other backbench MPs.

It also evidences the select committee having an important amplifier role within the wider administrative justice and accountability ecosystem. The Home Affairs Select Committee is unique in the ecosystem as having a direct voice in parliament consequent of its members all being MPs, a role that they use to highlight to work of other accountability forums. Members of the select committee are also more active in citing other forums in parliament than other backbench MPs, at least proportionately, given that there are only eleven members of the committee at any one time. This propensity of select committee members to cite the work of other accountability forums may be because of their greater subject matter expertise, greater exposure to the work of others through their role on the committee, or because of a greater ability to command parliamentary time.

However, the range of bodies that select committee members cite within parliament is much smaller than is cited in the outputs examined for the network analysis of citations between accountability forums (Table.1 and Fig.3). Citations by select committee members to the ICIBI

¹⁴² Information on the role held by the MP was obtained from <https://members.parliament.uk/>. Some MPs coded as backbenchers might hold select committee roles on other committees, but these were coded as being backbenchers. Most Home Affairs Select Committee members were backbench MPs and, exceptionally, an MP might hold both a position on the Home Affairs Select Committee *and* a spokesperson role for their party (as was the case for the SNP MPs), in which case the select committee role was considered to take precedence for the purposes of coding. Thereby MPs roles were not double-counted within the dataset.

¹⁴³ Yvette Cooper MP (11 May 2020-1 December 2021), n=3; Dame Diana Johnson MP (15 December 2021-30 May 2024), n=14; Dame Karen Bradley MP (11 September 2024-present); n=0.

consisted of over half the citations by these particular MPs, with most of the others being self-citations to the Home Affairs Select Committee. This further points to the Home Affairs Select Committee as being an important amplifier for the ICIBI in particular and further validates David Bolt's view that the committee is a vitally important stakeholder for the ICIBI.¹⁴⁴

Conclusions

This article has centred on the role and function of the ICIBI as a permanent accountability forum, solely dedicated to the scrutiny of the operational activities of the Home Office's immigration and asylum functions. It has situated the ICIBI in a wider context—an ecosystem—of administrative justice and accountability bodies. This ecosystem can be visualised with reference to its political geography (Fig.1) and as a network of different kinds of accountability and stakeholder relationships (Fig.2). Each highlight different aspects of the ICIBI's relationships and the niche it occupies within its ecosystem.

A citation network analysis of the administrative justice and accountability bodies responsible for “setting it right”, plus the Home Affairs Select Committee, add an empirical dimension to the analysis of the ecosystem, beyond the theoretical visualisations provided for in Figs.1 and 2. Table 1 and Fig.3 show a broad interconnection of networks within the ecosystem, with bodies being able to feed off the work of others. The notable exception is the IMA, which is not part of the citation network. The reasons are not clear from the data itself, but reasons could include the fact that it publishes only summaries of its activities, and that it (uniquely amongst the bodies studied here) invests significant effort in intervening in litigation as an alternative means of holding the executive to account.¹⁴⁵

The citation network analysis emphasises the central importance of the ICIBI and Home Affairs Select Committee as amplifiers within the ecosystem, as generalist bodies amplifying the findings of each other and of the more specialist bodies.

The ICIBI was also the most frequently cited body by MPs in the course of House of Commons debates throughout the 2019 parliament and the first year of the 2024 parliament. The ICIBI was the body most frequently cited by opposition party frontbench spokespersons, opposition party backbench MPs, and members of the Home Affairs Select Committee. That

¹⁴⁴ Bolt, “Oral evidence: Asylum accommodation, HC 580”.

¹⁴⁵ J. Collinson, “From Learning to Lawyering: When Can Political Accountability Have Legal Consequences?” (11 September 2025) *UK Constitutional Law Association Blog*, <https://ukconstitutionallaw.org/2025/09/11/jonathan-collinson-from-learning-to-lawyering-when-can-political-accountability-have-legal-consequences/>.

members of the committee chose to cite the ICIBI in their interventions in parliament more than any other body, including itself, also evidences the committee as a key amplifier for the ICIBI within the administrative justice and accountability ecosystem. However, past performance is not necessarily an indicator of future results. In the first year of the 2024 parliament, only one member of the Home Affairs Select Committee gave one citation in House of Commons debates to any of the bodies studied.¹⁴⁶ There may be mitigations. Appointments to the committee were not made until 28 October 2024, and many are newly elected MPs who will need time to get to grips with their brief and how to operate parliament's levers. There was no permanent ICIBI in post from February 2024 until October 2025 and the interim has said of himself that he has been less good at cultivating relationships with the committee.¹⁴⁷

From these conclusions, we might also draw out some suggestions for the Windrush Commissioner; the newest part of this ecosystem. The high rate of citation of the Windrush Lessons Learned Review by the Home Affairs Select Committee may reflect a high level of political salience of the Windrush scandal, as the committee choose in 2021 to conduct a dedicated inquiry into the Windrush Compensation Scheme.¹⁴⁸ However, the references to the Lessons Learned Review are densely concentrated in that single report, accounting for 15 of the 18 total references by the committee, with the final three all contained in a 2021 report on the Macpherson report on institutional racism in policing.¹⁴⁹ The political saliency of the Lessons Learned Review for the select committee therefore appears to be very linear in terms of the subject matter where it is taken into account. The political saliency may also have been temporally limited as there were no citations by the committee after 2021 and the single citation in Parliament of the review by a member of the committee was in 2020.¹⁵⁰ The Windrush Commissioner will need work to refocus the committee's attention.

Unlike the concentrated references by the committee, the ICIBI referenced the Windrush Lessons Learned Review in seven separate reports on different topics, none of which

¹⁴⁶ HC Deb 27 March 2025, vol 764, col 1189. Paul Kohler MP, and this was a self-citation to a past report by the Home Affairs Select Committee.

¹⁴⁷ Bolt, "Oral evidence: Asylum accommodation, HC 580".

¹⁴⁸ Home Affairs Committee, "The Windrush Compensation Scheme: Fifth Report of Session 2021-22" (24 November 2021) HC 204.

¹⁴⁹ Home Affairs Committee, "The Macpherson Report: Twenty-two years on: Third Report of Session 2021-22" (30 July 2021) HC139.

¹⁵⁰ HC Deb 8 June 2020, vol 677, col 17.

were directly about the Windrush scandal. This sustained citation pattern suggests that the ICIBI has worked the most to continually amplify the learnings from the Windrush Lessons Learned Review within the wider workings of the Home Office, suggesting that the ICIBI should be regarded as a key stakeholder within the ecosystem for the Windrush Commissioner to engage with. This is a significant finding if it challenges assumptions about whether only political bodies—parliament and select committees—are critical stakeholder for the Commissioner.

Moving beyond the specific findings on the ICIBI, what this study further illustrates is the interconnected, networked connections between the various administrative justice and accountability bodies operating within an ecosystem. It has long been known that a lack of enforcement power compromises the capacity to deliver accountability and that in response administrative justice bodies have developed relationships with each other.¹⁵¹ The use of a multi-layered empirical study through the network analysis developed in this study details how relationships between accountability bodies operates in the modern constitution. In particular using multiple stakeholders to amplify accountability judgements helps bodies operate beyond institutional limitations.

¹⁵¹ Buck, Kirkham, and Thompson, *The Ombudsman Enterprise and Administrative Justice*, 189.